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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/602,313 | 06/24/2003 | Yoshinao Kobayashi | FP03-100US | 9027 |
| 1218 | 7590 | 04/04/2005 | EXAMINER | |
| CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016 | | | REDMAN, JERRY E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3634 | |
| DATE MAILED: 04/04/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,313

Applicant(s)

KOBAYASHI ET AL.

Examiner

Jerry Redman

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/03 & 12/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The applicant's disclosure statement dated 6/24/2003 has been considered and the foreign references cited, previously had not been initialed by the Examiner and an initialed copy has now been placed in the file. The applicant's disclosure statement dated 12/30/2004 has been considered and a copy has been placed in the file.

Claims 2-7, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 1, the applicant recites "a power supply apparatus for a vehicle slide door". It is not readily apparent to the Examiner if the applicant is claiming a power supply apparatus or a power supply apparatus in combination with a slide door. In claim 2, lines 5, 10, and 17, claim 3, lines 5-6, and claim 4, line 7, the applicant clearly and positively recites the "slide door". If the applicant intends to claim the combination then the applicant should clearly and positively set forth the slide door in the preamble of claim 1. In claim 11, line 1, the applicant recites "a cable guide for guiding a cable". It is not readily apparent to the Examiner if the applicant is claiming a cable guide or a cable guide in combination with a cable. In claim 13, lines 2 and 4, the applicant clearly and positively recites the cable. If the applicant intends to claim the combination then the applicant must clearly and positively recite the cable in the preamble of claim 11.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3634

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 1, 8, 9, and 11-13 are rejected under 35 U.S.C.

103(a) as being unpatentable over Greisner et al. in view of Hackenberg. Greisner et al. disclose a power supply apparatus (motor driving a closure) comprising a cable guide comprising a plurality of link members (30 and 30') and having a first tubular section (16) being bent in one direction and a second tubular section (16') being bent only in an opposite direction and an intermediate portion can be bent into an S-shape with guides (84 and 84') further limiting the pivotal movement between adjacent links. Greisner et al. fail to disclose a cable and specifically, a cable extending within the link. Hackenberg discloses a plurality of links having a cable (10-12) extending within. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a cable extending within the link since a cable would help support the links as well as providing (if desired) power to the closure via a connecting member.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-7 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 15 and 16 are allowable.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Hormann ('247 and '495) disclose a first second and a second section being only in an opposite direction similar to that of the applicant's invention. Japanese patent to Nakagawa (6-58033) discloses a first section and a second section bent only in an opposite direction of the first section similar to that of the applicant's invention. Japanese patent to Kobayashi (2001-171443) discloses a cable and link drive similar to that of the applicant's invention.

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 703-308-2120 or 571-272-6835 after 4/9/2005. The examiner can normally be reached on M-TH from 730 to 600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Mai, can be reached on 308-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jerry Redman
Primary Examiner